

personal information, before communication by the user, thereby said terminal can receive a call.

56. (New) The terminal according to claim 50, further comprising:
a unit receiving said automatic data fetch unit, wherein
said automatic data fetch unit is transmitted from a server side to the terminal side
when the data communications start.

REMARKS

An Office Action was mailed on August 21, 2001. Claims 1 – 6, 8 – 14 and 16 – 28 are pending in the present application. With this response, amendments are made to pending claims 1, 9, 16 and 22. In addition, new claims 29 – 50 are added. No new matter is introduced.

CHANGE OF ATTORNEY INFORMATION

The law firm of Helfgott and Karas, P.C. joined Rosenman & Colin LLP on September 1, 2001. The correspondence information for all current Helfgott & Karas files was changed with the USPTO by formal, electronic communication. This is to confirm that all future correspondence in this matter should be directed to Rosenman & Colin LLP, 575 Madison Avenue, New York, New York, 10022-2585, Phone: (212) 940-8800, Fax: (212) 940-8776. The attorney docket number has also changed to **FUJO 14.691 (100794-10585)**, and it is respectfully requested that the Examiner update such information in the PALM system.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1 – 6, 8 – 14 and 16 - 28 stand rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the intended subject matter. In particular, the rejection is based on the use of the term “may” in independent claims 1, 9, 16 and 22, from which dependent claims 2 – 6, 8 10 – 14, 17 – 21 and 23 – 28 depend. Applicants amend independent claims 1, 9, 16 and 22 to remove the term “may”, and respectfully request that this objection accordingly be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 – 6, 8 – 14 and 16 - 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,764,736 (Shachar et al., hereinafter referred to as “the Shacharr patent”) in view of U.S. Patent No. 5,919,247 (Van Hoff et al., hereinafter referred to as “the Van Hoff patent”). Applicants respectfully traverse this rejection.

Applicants disclose a communication system permitting data and voice communications between a server and a terminal over a single communications line, such that a voice call can be made between the terminal and a third party after initiating a data communications session and without terminating the data communications session (see, e.g., page 4, line 23 through page 5, line 5 of Applicants’ specification). This ability to maintain the data communications session during the voice call, as delimited by Applicants’ amended claims 1, 9, 16 and 22, is facilitated by temporary line disconnection units present in each of the server and the terminal, which mediate the disconnection and reassignment of the communication line to the voice call without

informing upper layer applications each of the server and terminal of the disconnection.

As a result, the upper layer applications in each of the server and the terminal remain in an active waiting state (see, page 21, line 8 through page 22, line 17).

The Shachar patent discloses a method for manipulating voice and data connections between a data communication session and voice communication (see, e.g., column 5, lines 60 – 63). In the event that a voice communication is requested during a data communication session, the method provides a means for storing information about the data communication session, including a network address for restoring the data communication session (see column 14, lines 2 – 20). However, unlike Applicants' claimed invention, the Shachar patent does not teach, suggest or otherwise disclose temporary line disconnection units for preserving upper layer applications which remain open in each of the server and the terminal during a voice call.

The Van Hoff patent similarly fails to teach, suggest or otherwise disclose these limitations of Applicants' claimed invention. The Van Hoff patent discloses a system for distributing application code and data from a server to a client (see, e.g., column 2, lines 43 – 49 of the Van Hoff patent). A "tuner" application is used by the client to automatically request code and data updates to be delivered by a "transmitter" in the server. However, unlike Applicants' claimed invention, neither the tuner or the transmitter provide for preserving upper layer applications using a data communication channel when the channel is reassigned to support a voice call.

One of the three prongs required in establishing a prima facie case of obviousness under 35 U.S.C. § 103(a) is that the cited references must teach or suggest all claim

limitations. Neither the Shachar patent nor the Van Hoff patent, alone or in combination, teach Applicants claimed limitations in regard to preserving upper layer data applications during a voice call. Accordingly, Applicants respectfully submit that amended claims 1, 9, 16 and 22 stand in condition for allowance, and request that the present rejection be withdrawn.

Applicants respectfully note that new claims 29, 37, 44 and 50 also recite as limitations means for preserving upper layer applications in an open state when disconnecting a data communication line for supporting a voice call, and therefore are similarly allowable over the cited references.

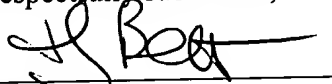
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 6, 8 – 14, and 16 - 56, consisting of independent claims 1, 9, 16, 22, 29, 37, 44 and 50, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Attached is a marked up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned **“Version With Marks To Show Changes Made”**.

We respectfully request that all fees incurred for additional claims presented in this matter (\$840), and any other fees relating to this application be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJ Bean', written over a horizontal line.

Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

ROSENMAN & COLIN, LLP
575 MADISON AVENUE
NEW YORK, NEW YORK 10022-2585
PHONE: (212) 940-8800/FAX: (212) 940-8776
DOCKET No.: FUJO 14.691 (100794-10585)

MARKED-UP COPY OF AMENDED APPLICATION – S/N 08/999,308

IN THE CLAIMS

1. (Five Times Amended) A communications system comprising:

a server providing information;

a terminal communicating data with the server;

a communications network connecting said server to said terminal;

a temporary line disconnection unit, provided in the server and the terminal, monitoring a content of received data from the server and from the terminal, when a specified data is received disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of said terminal and said server when said terminal voice communicates with a third party other than said server through said communications network during the data communications with said server, and automatically connecting said server to said terminal when the voice communications terminate;

an automatic data fetch unit automatically fetching data of web sites including information [which a user may require] requested by a user from said server to said terminal; and

a storage unit storing the data fetched by said automatic data fetch unit,

wherein a data communicating process is performed from a status at a point immediately before starting the voice communications when said server and said terminal resume the data communications, and

wherein said automatic data fetch unit preliminarily fetches the data obtainable from said server and stores the data in said storage unit during the data communications, and accesses said storage unit during the voice communications so that the data in said storage unit is displayed during the voice communication, thereby realizing virtual data communications during the voice communications.

2. (Unchanged) The communication system according to claim 1, wherein said terminal obtains a telephone number of the third party as information during the data communications.

3. (Unchanged) The communications system according to claim 1, wherein said server comprises a telephone switch unit; and said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting said telephone switch unit to telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

4. (Unchanged) The communications system according to claim 3, wherein said temporary line disconnection unit provided on the server side temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with the third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing the voice communications between said terminal and said third party.

5. (Unchanged) The communication system according to claim 1, wherein

said line temporary disconnection unit provided on a terminal side temporarily disconnects the line when said terminal issues a request for voice communications with the third party to said server, and

said terminal issues a voice communications call to the third party, thereby realizing the voice communications between said terminal and said third party.

6. (Unchanged) The communication system according to claim 1, further comprising:

at least one first unit, provided on a server side for each user who receives a service of said server, for managing personal information and communications status of each user, wherein

said temporary line disconnection unit provided on a terminal side temporarily disconnects a line between said terminal and said server according to an instruction from said first unit when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with an other object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

8. (Unchanged) the communications system according to claim 1, further comprising:

means for receiving said automatic data fetch unit on a terminal side, wherein said automatic data fetch unit is transmitted from a server side to the terminal side when the data communications start.

9. (Five Times Amended) A communications method comprising the steps of:

(a) connecting a line from a server to a terminal for providing information for data communications with the server through a communications network;

(b) monitoring a content of received data from the server and from the terminal, when a specified data is received disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of said terminal and said server when said terminal voice communicates with a third party other than said server through said communications network during the data

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communications with said server, and automatically connecting said server to said terminal when the voice communications terminate;

(d) automatically fetching data of web sites including information [which a user may require] requested by a user from said server; and

(e) storing the data fetched at step (d),

wherein said upper layer applications perform a data communicating process from a status at a point immediately before starting the voice communications when the data communications are resumed,

wherein step (b) is executed in the server and the terminal, and

wherein said steps (d) and (e) are followed during the data communications between said terminal and said server, and said data stored in step (e) is accessed during the voice communications so that said data stored in step (e) is displayed during the voice communication, thereby establishing virtual data communications during the voice communications.

10. (Unchanged) The communications method according to claim 9, further comprising the step of:

fetching a telephone number of the third party as information by said terminal during the data communications.

11. (Unchanged) The communications method according to claim 9, wherein said step (b) is followed when said terminal issues a voice communications request to the third party, and two calls are connected by a telephone switch unit provided

on a server side, thereby realizing voice communications between said terminal and said third party.

12. (Unchanged) The communications method according to claim 11, wherein said step (b) is followed on a server side when said terminal issues to said server a request to voice-communicate with the third party;

said server, a telephone of the third party, and the terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing voice communications between said terminal and the third party.

13. (Unchanged) The communications method according to claim 9, further comprising the step of:

(c) managing personal information and communications status on a server side for each user who receives a service from said server, wherein

said terminal issues a call to the third party through the voice communications by following said step (b) based on communications state management in said step (c), thereby establishing voice communications between said terminal and said third party.

14. (Unchanged) The communications method according to claim 9, further comprising the step of:

(c) managing personal information and communications status on a server side for each user who receives a service from said server, wherein

said terminal issues a call to the third party through the voice communications by following said step (b) based on communications state management in said step (c),

thereby establishing voice communications between said terminal and said third party, wherein the server has an object which manages personal information, and the object communicates with an other object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

16. (Amended) A server which communicates with a terminal through a communications network, comprising:

a temporary line disconnection unit, monitoring a content of received data from the terminal, when a specified data is received disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of the server when said terminal voice communicates with a third party other than the server, when said terminal voice communicates with a third party other than the server through said communications network during the data communications with the server, and automatically connecting the server to the terminal when the voice communications terminate;

an automatic data fetch unit automatically fetching data of web sites including information [which a user may require] requested by a user from the server to the terminal; and

wherein a data communicating process is performed from a status at a point immediately before starting the voice communications when the server and the terminal resume the data communications, and

wherein said automatic data fetch unit preliminarily fetches the data obtainable from the server and the server makes the terminal store and display the data, thereby

realizing virtual data communications during the voice communications at the terminal side.

17. (Unchanged) The server according to claim 16, wherein said terminal obtains a telephone number of the third party as information during the data communications.

18. (Unchanged) The server according to claim 16, further comprising a telephone switch unit; and wherein said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting said telephone switch unit to telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

19. (Unchanged) The server according to claim 18, wherein said temporary line disconnection unit temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with the third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing the voice communications between said terminal and said third party.

20. (Unchanged) The server according to claim 16, further comprising:

at least one first unit for each user who receives a service of said server, for managing personal information and communications status of each user, wherein said terminal temporarily disconnects a line between said terminal and said server according to an instruction from said first unit when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with other object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

21. (Unchanged) The server according to claim 16, wherein

said automatic data fetch unit is transmitted from a server side to the terminal side when the data communications start.

22. (Amended) A terminal communicating with a server through a communications network, comprising:

a temporary line disconnection unit, monitoring a content of received data from the server, when a specified data is received disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of the terminal when said terminal voice communicates with a third party other than the server through said communication network during the data

communications with the server, and automatically connecting the server to the terminal when the voice communications terminate;

an automatic data fetch unit automatically fetching data of web sites including information [which a user may require] requested by a user from the server to the terminal; and

a storage unit storing the data fetched by said automatic data fetch unit,

wherein a data communicating process is performed from a status at a [pointy] point immediately before starting the voice communications when the server and the terminal resume the data communications, and

wherein said automatic data fetch unit preliminarily fetches the data obtainable from the server and stores the data in said storage unit during the data communications, and accesses said storage unit during the voice communications so that the data in said storage unit is displayed during the voice communication, thereby realizing virtual data communications during the voice communications.

23. (Unchanged) The terminal according to claim 22, wherein said terminal obtains a telephone number of the third party as information during the data communications.

24. (Unchanged) The terminal according to claim 22, wherein said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting a telephone switch unit which is provided in the server to

telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

25. (Unchanged) The terminal according to claim 24, wherein the server temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing the voice communications between said terminal and said third party.

26. (Unchanged) The terminal according to claim 22, wherein said temporary line disconnection unit temporarily disconnects the line when said terminal issues a request for voice communications with the third party to said server; and said terminal issues a voice communications call to the third party, thereby realizing the voice communications between said terminal and said third party.

27. (Unchanged) The terminal according to claim 22, wherein said temporary line disconnection unit temporarily disconnects a line between said terminal and said server according to an instruction from a first unit which is provided in the server and which manages personal information and communications status of each user, when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with other object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

28. (Unchanged) The terminal according to claim 22, further comprising:

a unit receiving said automatic data fetch unit, wherein

said automatic data fetch unit is transmitted from a server side to the terminal side when the data communications start.

29. (New) A communication system comprising:

a server for providing information;

a terminal for communicating data with the server;

a communication network for connecting said server to said terminal; and

temporary line disconnection means, provided in the server and the terminal, for disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of said terminal and said server when said terminal voice-communicates with a third party other than said server through said communication network during the data communications with said server, and automatically connecting said server to said terminal when the voice communications terminate, wherein

a data communicating process is performed from a status at a point immediately before starting the voice communications when said server and said terminal resume the data communications.

30. (New) The communication system according to claim 29, wherein said terminal obtains a telephone number of the third party as information during the data communications.

31. (New) The communications system according to claim 29, wherein said server comprises a telephone switch unit; and said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting said telephone switch unit to telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

32. (New) The communications system according to claim 31, wherein said temporary line disconnection unit provided on the server side temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with the third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone

switch unit, thereby realizing the voice communications between said terminal and said third party..

33. (New) The communication system according to claim 29, wherein
said line temporary disconnection unit provided on a terminal side temporarily disconnects the line when said terminal issues a request for voice communications with the third party to said server, and

said terminal issues a voice communications call to the third party, thereby realizing the voice communications between said terminal and said third party.

34. (New) The communication system according to claim 29, further comprising:
at least one first unit, provided on a server side for each user who receives a service of said server, for managing personal information and communications status of each user, wherein

said temporary line disconnection unit provided on a terminal side temporarily disconnects a line between said terminal and said server according to an instruction from said first unit when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with an other object which is in said terminal and also manages

personal information, before communication by the user, thereby said terminal can receive a call.

35. (New) The communication system according to claim 29, further comprising:
an automatic data fetch unit automatically fetching data from said server to said terminal; and

a storage unit storing data fetched by said automatic data fetch unit, wherein
said automatic data fetch unit preliminarily fetches data obtainable from said server and stores the data in said storage unit during the data communications, and accesses said storage unit during the voice communications so that the data in said storage unit is displayed during the voice communication, thereby realizing virtual data communications during the voice communications.

36. (New) The communications system according to claim 29, further comprising:

means for receiving said automatic data fetch unit on a terminal side, wherein
said automatic data fetch unit is transmitted from a server side to the terminal side when the data communications start.

37. (New) A communications method comprising the steps of:

(a) connecting a line from a server to a terminal for providing information for data communications with the server through a communications network; and

(b) disconnecting the line being used for data communications without issuing any disconnection notifications to an upper layer application of said terminal and said server when said terminal voice-communicates with a third party other than said server through said communications network during the data communications with said server, and automatically connecting said server to said terminal when the voice communications terminate, wherein

said upper layer application performs a data communicating process from a status at a point immediately before starting the voice communications when the data communications are resumed.

38. (New) The communications method according to claim 37, further comprising the step of:

fetching a telephone number of the third party as information by said terminal during the data communications.

39. (New) The communications method according to claim 37, wherein

said step (b) is followed when said terminal issues a voice communications request to the third party, and two calls are connected by a telephone switch unit provided on a server side, thereby realizing voice communications between said terminal and said third party.

40. (New) The communications method according to claim 39, wherein

said step (b) is followed on a server side when said terminal issues to said server a request to voice-communicate with the third party;

said server, a telephone of the third party, and the terminal enter a 3-point communications state base on a 3-point communications function of said telephone switch unit, thereby realizing voice communications between said terminal and the third party.

41. (New) The communications method according to claim 37, further comprising the step of:

(c) managing personal information and communications status on a server side for each user who receives a service from said server, wherein

said terminal issues a call to the third party through the voice communications by following said step (b) based on communications state management in said step (c), thereby establishing voice communications between said terminal and said third party.

42. (New) The communications method according to claim 37, further comprising the step of:

(c) managing personal information and communications status on a server side for each user who receives a service from said server, wherein

said terminal issues a call to the third party through the voice communications by following said step (b) based on communications state management in said step (c), thereby establishing voice communications between said terminal and said third party, wherein the server has an object which manages personal information, and the object communicates with an other object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

43. (New) The communications method according to claim 37, further comprising the steps of:

(d) automatically fetching data from said server; and

(e) storing data fetched at step (d), wherein

said steps (d) and (e) are followed during the data communications between said terminal and said server; and

said data stored in step (e) is accessed during the voice communications so that said data stored in said step (e) is displayed during the voice communication, thereby establishing virtual data communications during the voice communications.

44. (New) A server which communicates with a terminal through a communications network, comprising:

a temporary line disconnection unit disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of the server when said terminal voice communicates with a third party other than the server, when said terminal voice communicates with a third party other than the server through said communication network during the data communications with the server, and automatically connecting the server to the terminal when the voice communications terminate, wherein

a data communicating process is performed from a status at a point immediately before starting the voice communications when the server and the terminal resume the data communications.

45. (New) The server according to claim 44, wherein

said terminal obtains a telephone number of the third party as information during the data communications.

46. (New) The server according to claim 44, further comprising a telephone switch unit; and wherein said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting said telephone switch unit to telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

47. (New) The server according to claim 46, wherein said temporary line disconnection unit temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with the third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing the voice communications between said terminal and said third party.

48. (New) The server according to claim 44, further comprising: at least one first unit for each user who receives a service of said server, for managing personal information and communications status of each user, wherein

said terminal temporarily disconnects a line between said terminal and said server according to an instruction from said first unit when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with another object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

49. (New) The server according to claim 44, wherein

said automatic data fetch unit is transmitted from the server side to the terminal side when the data communications start.

50. (New) A terminal communicating with a server through a communications network, comprising:

a temporary line disconnection unit disconnecting a line being used for data communications without issuing any disconnection notifications to an upper layer application of the terminal when said terminal voice communicates with a third party other than the server through said communications network during the data communications with the server, and automatically connecting the server to the terminal when the voice communications terminate, wherein

a data communicating process is performed from a status at a point immediately before starting the voice communications when the server and the terminal resume the data communications.

51. (New) The terminal according to claim 50, wherein
said terminal obtains a telephone number of the third party as information during the data communications.

52. (New) The terminal according to claim 50, wherein
said temporary line disconnection unit temporarily disconnects a line between said server and said terminal when said terminal issues a voice communications request to the third party, connecting a telephone switch unit which is provided in the server to telephones of the third party and said terminal, connecting two calls on a server side, thereby realizing voice communications between said terminal and the third party.

53. (New) The terminal according to claim 52, wherein
the server temporarily disconnects the line between said terminal and said server when said terminal issues a request for voice communications with third party to said server; and

said server, a telephone of said third party, and said terminal enter a 3-point communications state based on a 3-point communications function of said telephone switch unit, thereby realizing the voice communications between said terminal and said third party.

54. (New) The terminal according to claim 50, wherein

said temporary line disconnection unit temporarily disconnects the line when said terminal issues a request for voice communications with the third party to said server; and

said terminal issues a voice communications call to the third party, thereby realizing the voice communications between said terminal and said third party.

55. (New) The terminal according to claim 50, wherein

said temporary line disconnection unit temporarily disconnects a line between said terminal and said server according to an instruction from a first unit which is provided in the server and which manages personal information and communications status of each user, when said terminal issues a request for voice communications with the third party to said server;

said terminal issues a call through the voice communications to the third party, thereby realizing voice communications between said terminal and said third party,

wherein the server has an object which manages personal information, and the object communicates with another object which is in said terminal and also manages personal information, before communication by the user, thereby said terminal can receive a call.

56. (New) The terminal according to claim 50, further comprising:

a unit receiving said automatic data fetch unit, wherein

said automatic data fetch unit is transmitted from a server side to the terminal side when the data communications start.